

Effective 5/13/2014

73-5-3 Control by engineer of division and distribution under judgments.

- (1) The state engineer or the state engineer's designee shall carry into effect a judgment of a court in relation to the division, distribution, or use of water under the provisions of this title.
- (2) The state engineer shall:
 - (a) divide water among several appropriators entitled to the water in accordance with the right of each appropriator;
 - (b) regulate and control the use of the water by closing or partially closing a head gate, cap, valve, or other controlling work of a ditch, canal, pipe, flume, well or tunnel, or other means of diversion to prevent the waste of water or its use in excess of the quantity to which an appropriator is lawfully entitled; and
 - (c) regulate a controlling work of reservoirs in accordance with the provisions of this title.
- (3)
 - (a) If the state engineer regulates a head gate, cap, valve, or other controlling work of a ditch, canal, pipe, flume, well or tunnel, or other means of diversion, or the controlling work of a reservoir, the state engineer may attach to the controlling work a written notice, properly dated and signed, setting forth that the controlling work has been properly regulated and is wholly under the state engineer's control.
 - (b) The notice provided under Subsection (3)(a) shall be a legal notice, as to the facts contained in the notice, to all parties interested in the division and distribution of the water of the ditch, canal, pipe, flume, well or tunnel, or other means of diversion, or reservoir.
- (4)
 - (a) If the state engineer is required to enter upon private property to carry out the provisions of this title and is refused by the owner or possessor of the property the right of entry, the state engineer may petition the district court for an order granting a right of entry.
 - (b) After notice and hearing the court may grant the state engineer a right of entry, on security given by the state engineer to pay the owner of the property for all damage caused by the entry.

Amended by Chapter 369, 2014 General Session